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Attorneys for Defendants
24 HOUR FITNESS USA, INC. AND SPORT AND
FITNESS CLUBS OF AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GABE BEAUPERTHUY, et al..

Case No. C 06 0715 SC

Plaintiffs,

V.

24 HOUR FITNESS USA, INC. a California corporation dba 24 HOUR FITNESS; SPORT AND FITNESS CLUBS OF AMERICA, INC., a California corporation dba 24 HOUR FITNESS,

Defendants.

**STIPULATION AND [PROPOSED ORDER]
CONTINUING (1) PLAINTIFFS' MOTION TO
COMPEL HEARING AND BRIEFING AND (2)
CASE MANAGEMENT CONFERENCE**

COMPLAINT FILED: February 1, 2006
TRIAL DATE: No date set.

RECITALS

A. On April 25, 2011, Plaintiffs filed a Motion to Compel Arbitration to be heard at the same time as the Case Management Conference at 10:00 a.m. on June 24, 2011;

B. On May 2, 2011, Defendants moved to continue the hearing on the Motion to Compel and Case Management Conference on the basis of the unavailability of Defense counsel:

C. On May 9, 2011, the Court continued the hearing date on the Motion to Compel to July 8, 2011:

D. There is no trial date in this action;

E. The parties have been conducting further meet and confer efforts and have agreed to a face-to-face meeting to seek in good faith to resolve the arbitration issues concerning as many of the Plaintiffs/Claimants as is reasonably possible;

F. The parties' meet and confer efforts have included new information produced by 24 Hour, which Plaintiffs' counsel did not have prior to filing the Motion to Compel;

G. The goal of the face-to-face meet and confer conference is to resolve, or at least narrow the issues to be decided in the pending Motion to Compel and may alleviate the need for the Court to address the issues;

H. Given defense counsel's international business-related travel schedule, the parties are unable to meet and confer prior to the currently scheduled hearing of July 8, 2011. Therefore, subject to the Court's approval of this stipulation, the parties' face-to-face meet and confer conference is presently scheduled for August 1, 2011 at San Francisco, California;

I. In light of the parties' attempt to resolve the issues, the parties agree that the Motion to Compel Arbitration and the Case Management Conference, subject to the Court's approval, shall be continued to a date after September 5, 2011 to allow the parties to resolve the or narrow the arbitration issues at issue in the Motion to Compel and Defendants to respond to same.

STIPULATION

Without waiving any of their rights or positions or claims pertaining to issues relevant to the arbitration or arbitration process, the parties hereby stipulate that:

1. Counsel for the parties shall meet and confer face-to-face a good faith effort to negotiate and resolve all issues related to arbitration and the pending Motion to Compel;
2. The conference shall take place August 1, 2011 in San Francisco;
3. A client representative with full authority to negotiate all arbitration issues shall attend in person or counsel for 24 Hour shall have full client authority to negotiate all issues related to arbitration and the Motion to Compel without the need for client approval;

1 4. The pending Motion to Compel Arbitration and Case Management Conference shall
2 be continued from July 8, 2011 to September 5, 2011, or the next available hearing
3 date thereafter, at 10:00 a.m. in Courtroom 1.

4 **SO STIPULATED:**

5 Dated: June 8, 2011

6 **LITTLER MENDELSON, P.C.**

7 By: /s/ Laura Hayward
8 John C. Kloosterman
9 Laura E. Hayward
10 Littler Mendelson, P.C., Attorneys for
11 Defendant

12 Dated: June 8, 2011

13 **DONAHOO & ASSOCIATES**
14 **FOLEY BEZEK BEHLE & CURTIS, LLP**

15 By: /s/ Richard E. Donahoo
16 Richard E. Donahoo
17 Thomas G. Foley, Jr.
18 Justin P. Karczag
19 Attorneys for Plaintiffs

20 **[PROPOSED] ORDER**

21 Upon reading the forgoing Stipulation, and good cause appearing, therefore,

22 IT IS ORDERED THAT,

23 5. Counsel for the parties shall meet and confer face-to-face a good faith effort to
24 negotiate and resolve all issues related to arbitration and the pending Motion to
25 Compel;

26 6. The conference shall take place August 1, 2011 in San Francisco;

27 7. A client representative with full authority to negotiate all arbitration issues shall
28 attend in person or counsel for 24 Hour shall have full client authority to negotiate all
 issues related to arbitration and the Motion to Compel without the need for client
 approval;

1 The pending Motion to Compel Arbitration and Case Management Conference shall be
2 continued from July 8, 2011 to September 9, 2011, ~~or the next available hearing date~~
3 ~~thereafter~~, at 10:00 a.m. in Courtroom 1.

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5 The briefing schedule shall be pursuant to statute. IT IS SO ORDERED.

6 Dated: 6/9/11

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